

## **EXHIBIT D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

C.A. No. 04-1923(DPW)

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW McCOLLUM,  
CHRISTOPHER HUGHES and THE FACEBOOK,  
INC.,

Defendants.

CERTIFIED

**COPY**

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VOLUME 1

VIDEOTAPED DEPOSITION OF CONNECTU LLC

BY CAMERON H. WINKLEVOSS

Boston, Massachusetts

Tuesday, August 9, 2005

9:44 a.m. to 6:27 p.m.

Reported by:

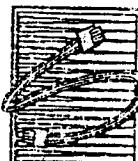
Jessica L. Williamson, RMR, RPR, CRR  
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P R O C E E D I N G S

THE VIDEOGRAPHER: We are recording and are now on the record. Today's date is August the 9th, 2005, and the time is 9:44 a.m. My name is George Dobrentey. I'm a legal videographer for G & M Court Reporters, Ltd. Our business address is 42 Chauncy Street, Suite 1A, Boston, Massachusetts 02111.

This is the deposition of Cameron Winklevoss in the matter of ConnectU vs. Zuckerberg in the United States District Court for the District of Massachusetts, Civil Action No. 04-1923(DPW) .

This deposition is being taken at One International Place in Boston, Massachusetts, on behalf of the defendant. The court reporter is Jessica Williamson. Counsel will state their appearances, and the court reporter will administer the oath.

MR. CHATTERJEE: Neel Chatterjee and Joshua Walker for all of the defendants except for Eduardo Saverin.

MR. WALKER: Robert Hawk from Heller Ehrman for Defendant Saverin.

09:44:59 1

MR. HORNICK: John Hornick and Troy

9:45:01 2

Grabow for the plaintiff, ConnectU.

3

4

CAMERON H. WINKLEVOSS,

5

a witness called on behalf of the Defendants

6

Mark Zuckerberg, Dustin Moskovitz, Andrew

7

McCollum, Christopher Hughes and The

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Facebook, Inc., having first been duly

9

sworn, was deposed and testifies as follows:

10

11

DIRECT EXAMINATION

12

13

BY MR. CHATTERJEE:

9:45:10 14

Q. Mr. Winklevoss, thank you for coming today.

09:45:14 15

Do you understand that your deposition today  
is you're testifying on behalf of ConnectU  
LLC?

09:45:19 16

A. Yes.

09:45:19 17

Q. Have you ever had your deposition taken  
before?

09:45:21 18

A. No.

09:45:21 19

Q. I'm going to go over some ground rules with  
you, and I'm just going to ask you to make  
sure you understand them. You may have gone  
over them with your counsel before.

09:45:22 20

09:45:26 21

09:45:29 22

09:45:31 23

09:45:33 1 A. Uh-huh.

09:45:33 2 Q. The first thing is I generally -- when I

09:45:36 3 take depositions, I go for about an hour and

09:45:38 4 I take a break. If you find yourself

09:45:41 5 getting tired or having to -- getting

09:45:45 6 confused, please feel free to take a break,

09:45:48 7 the only time I'll insist we continue is if

09:45:51 8 there's a question pending. Do you

09:45:52 9 understand that?

09:45:53 10 A. Uh-huh.

09:45:54 11 Q. The second thing actually is important.

09:45:56 12 It's important that you answer questions

09:45:58 13 with a yes or a no, not an uh-huh --

09:46:00 14 A. Okay.

09:46:00 15 Q. -- or a sound. The reason for that is this

09:46:03 16 is all being transcribed, and it's very

09:46:05 17 important that the record be accurate. So

09:46:07 18 nods of the head and sounds often give an

09:46:10 19 ambiguity as to what the correct answer is.

09:46:13 20 Do you understand that?

09:46:13 21 A. Yes.

09:46:13 22 Q. Okay. Thank you.

09:46:14 23 If you don't understand a question

09:46:16 24 that I'm asking, please let me know. If you

09:46:20 25 don't ask me or tell me that you don't

10:12:12 1 struggling at the time. I2hub was operating  
0:12:17 2 at debt, and we just helped support.

10:12:22 3 Q. Are you currently employed?

10:12:23 4 A. Other than ConnectU LLC, no.

10:12:27 5 Q. Are you getting a salary from ConnectU LLC?

10:12:29 6 A. Right now all my remuneration is in equity.

10:12:35 7 Q. Does any -- detect ConnectU LLC have any

10:12:38 8 employees?

10:12:38 9 A. Aside from -- ConnectU LLC has three --  
10:12:45 10 excuse me, four sort of equity stakeholders  
10:12:49 11 and two managers, one of which is not an  
10:12:53 12 equity holder. So I -- if that falls under  
10:12:55 13 the umbrella of employee, perhaps.

0:12:59 14 Q. Maybe I can go about this in a little bit  
10:13:01 15 simpler way. Is anyone paid money by  
10:13:04 16 ConnectU --

10:13:04 17 A. No.

10:13:05 18 Q. -- LLC?

10:13:05 19 A. Oh, excuse me, sorry. Like in terms of  
10:13:10 20 development and stuff like that?

10:13:14 21 Q. For any reason.

10:13:15 22 A. We do pay software developers.

10:13:17 23 MR. HORNICK: Okay. Just for the  
10:13:18 24 record, I think maybe now we're back into  
10:13:20 25 30(b) (6) testimony.

10:13:22	1	Q. And what do you -- and who are the
10:13:25	2	developers you pay?
10:13:27	3	A. Currently we employ a fellow by the name of
10:13:30	4	Winston Williams in Seattle.
10:13:32	5	Q. And is he at Pacific Northwest Software?
10:13:36	6	A. Yes. Well, yes, he's part of Pacific
10:13:41	7	Northwest and -- yeah, he's part of that
10:13:46	8	group.
10:13:46	9	Q. Okay. And what is he doing?
10:13:47	10	A. He does a variety of tasks. I mean, it
10:13:49	11	depends what needs to be done on the site
10:13:51	12	and whatnot.
10:13:58	13	Q. Anyone else?
10:13:59	14	A. Currently, no.
10:14:01	15	Q. And is Winston Williams being paid on the
10:14:04	16	hour?
10:14:04	17	A. Right now Winston Williams is being paid on
10:14:09	18	an hour, yes.
10:14:11	19	Q. And what's his hourly rate?
10:14:12	20	A. I believe it is \$60 an hour.
10:14:18	21	Q. Now, you said that there is a non-equity
10:14:21	22	manager with ConnectU LLC. Who is that?
10:14:24	23	A. Maria Antonelli.
10:14:27	24	Q. And what is her role?
10:14:29	25	A. She takes care of all of the basically just

10:14:32 1 files, invoices and whatnot.

10:14:34 2 Q. And does she charge ConnectU LLC for --

10:14:36 3 A. No.

10:14:36 4 Q. -- her time?

10:14:37 5 A. No.

10:14:37 6 Q. Who does she work for?

10:14:39 7 MR. HORNICK: I think we're out of

10:14:42 8 30(b)(6) again, for the record.

10:14:44 9 A. So who is she employed by? She's employed

10:14:47 10 by Winklevoss Consultants.

10:14:48 11 Q. Are you a part of Winklevoss Consultants?

10:14:54 12 A. No.

10:14:58 13 Q. Have you ever taken any computer science

10:15:00 14 courses?

10:15:00 15 A. No.

10:15:01 16 Q. Are you able to program in any computer

10:15:07 17 language?

10:15:08 18 A. I know basic HTML. I can sort of decipher

10:15:13 19 it, understand it, but no. In terms of

10:15:16 20 language literally, no.

10:15:18 21 Q. Okay. Can you describe for me the trade

10:15:26 22 secrets that were shared with Mark

10:15:31 23 Zuckerberg by ConnectU LLC or any of its

10:15:34 24 predecessors?

10:15:34 25 MR. HORNICK: I think we're back

01:17:25 1 with these features?

1:17:25 2 A. We looked at Thefacebook, yes.

01:17:28 3 Q. And you extracted course information from

01:17:32 4 ConnectU -- I mean, from Thefacebook?

01:17:34 5 MR. HORNICK: Object to the form of

01:17:35 6 the question and assumes facts not in

01:17:36 7 evidence.

01:17:36 8 A. Yeah, when collecting course information

01:17:40 9 there's basically two -- you know, it's

01:17:43 10 public course information that's posted by a

01:17:45 11 registrar from the school, and you can

01:17:47 12 either go to the registrar or you can go,

01:17:49 13 you know -- and Thefacebook had the courses.

1:17:51 14 So, yes, we did look at the courses which,

01:17:55 15 again, is public proprietary information,

01:17:59 16 and we collected that, yes.

01:18:01 17 Q. How did you collect it?

01:18:02 18 A. We just would like look at the file in a

01:18:07 19 text editor and just take the course file.

01:18:10 20 Q. Did you ever extract e-mails from

01:18:12 21 Thefacebook?

01:18:13 22 A. We -- yes, we have extracted e-mails from

01:18:17 23 Thefacebook.

01:18:18 24 Q. Isn't it true that you've extracted 2.9 to 3

01:18:21 25 million e-mails from Thefacebook because of

01:18:24 1 a security hole you found?

1:18:25 2 MR. HORNICK: Objection. It's a

01:18:27 3 misleading question, but you can answer it

01:18:29 4 if you can.

01:18:30 5 A. We have extracted e-mails basically just,

01:18:38 6 you know, following -- an e-mail has a -- at

01:18:45 7 that point they had a URL, and you could

01:18:46 8 follow that URL and it's completely

01:18:49 9 authorized -- it's not unauthorized access,

01:18:52 10 and you can follow that URL to find an

01:18:55 11 e-mail address, yes, you could. And we did.

01:18:57 12 Q. So did you find a way to extract those

01:19:01 13 e-mails without logging onto Thefacebook?

1:19:06 14 MR. HORNICK: Objection. I think

01:19:07 15 this is outside the scope. It's not

01:19:09 16 30(b) (6) testimony.

01:19:12 17 A. See, again, I don't remember -- I'm not a

01:19:15 18 programmer, but it's my understanding that

01:19:19 19 with unauthorized -- excuse me, with

01:19:21 20 authorized -- without using unauthorized

01:19:24 21 access those e-mails were accessible.

01:19:25 22 Q. And ConnectU took them?

01:19:28 23 MR. HORNICK: Object to the form of

01:19:29 24 the question.

01:19:29 25 A. What do you mean by take?

01:19:31 1 Q. Extracted the information?

1:19:32 2 A. ConnectU followed an open URL, "open" being

01:19:36 3 that it was accessible with not having to

01:19:41 4 use unauthorized access, it was accessible,

01:19:44 5 out in the open, and ConnectU followed those

01:19:46 6 URLs and was able to collect e-mail

01:19:50 7 addresses.

01:19:50 8 Q. And who did that?

01:19:51 9 A. Winston Williams.

01:19:52 10 Q. Winston Williams did that? And when did he

01:19:55 11 do that?

01:19:56 12 A. I believe he did it in the spring of this

01:19:58 13 year.

..:19:58 14 Q. Were those e-mails ever used by ConnectU?

01:20:01 15 A. I think we used some of them with the Social

01:20:06 16 Butterfly software.

01:20:06 17 Q. And how were they used?

01:20:07 18 A. If a friend used Social Butterfly and wanted

01:20:11 19 to invite their friends, then they could do

01:20:14 20 that with Social Butterfly. And they --

01:20:16 21 Q. So when you -- once you had those e-mails,

01:20:20 22 did you -- well, what did you do with them?

01:20:22 23 A. We just held them in a holding bin, and if a

01:20:29 24 user said, I would like to invite my friend,

01:20:31 25 well, we would just invite their friends.

01:20:34 1 And as I said, we only used a portion of  
1:20:36 2 them, because only a portion of the users  
01:20:39 3 invited their friends.

01:20:40 4 Q. Did you ever send e-mails to people based  
01:20:42 5 upon those e-mails, that e-mail database?

01:20:47 6 A. That's what I just said, that if a user --

01:20:51 7 Q. Let me rephrase that.

01:20:52 8 A. Okay.

01:20:53 9 Q. Independent of a user request, did you ever  
01:20:55 10 send an e-mail to people in that --

01:20:59 11 A. With that bucket from the sort of open URL,  
01:21:04 12 no, we did not send unsolicited e-mails to  
01:21:06 13 those people.

1:21:06 14 Q. Has ConnectU obtained any revenue to date?

01:21:10 15 A. We have obtained some advertising revenue,  
01:21:13 16 yeah.

01:21:13 17 Q. And how much revenue is that?

01:21:17 18 MR. HORNICK: I'll object that this  
01:21:18 19 is outside the scope as well, but you can  
01:21:20 20 answer it. It's not 30(b) (6) testimony.

01:21:22 21 A. I would say roughly no more than \$1,000 of  
01:21:30 22 revenue.

01:21:30 23 Q. Okay.

01:21:30 24 A. We haven't actively sought too much  
01:21:33 25 advertising at this moment.

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I, CAMERON H. WINKLEVOSS, do hereby declare under  
penalty of perjury that I have read the foregoing  
transcript; that I have made any corrections as appear  
noted, in ink, initialed by me, or attached hereto; that  
my testimony as contained herein, as corrected, is true  
and correct.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
(City) \_\_\_\_\_, \_\_\_\_\_.  
(State)

CAMERON H. WINKLEVOSS

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1           In the United States District Court  
2           For the District of Massachusetts  
3           I, Jessica L. Williamson, Registered,  
4           Merit Reporter, Certified Realtime Reporter  
5           and Notary Public in and for the  
6           Commonwealth of Massachusetts, do hereby  
7           certify that CAMERON H. WINKLEVOSS, the  
8           witness whose deposition is hereinbefore set  
9           forth, was duly sworn by me and that such  
10          deposition is a true record of the testimony\*  
11          given by the witness.

12           I further certify that I am neither  
13          related to or employed by any of the parties  
14          in or counsel to this action, nor am I  
15          financially interested in the outcome of  
16          this action.

17           In witness whereof, I have hereunto set  
18          my hand and seal this 11th day of August,  
19          2005.

20

21

*Jessica L. Williamson*

22

23

24

25

Jessica L. Williamson, RMR, RPR, CRR  
Notary Public, CSR No. 138795

My commission expires: 12/18/2009